



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.

WASHINGTON, D.C. 20554

**DA 05-280**

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

**MEDIA BUREAU ACTION**

**February 2, 2005**

## **EASYTEL COMMUNICATIONS CARRIER CORPORATION FILES NOTICE OF INTENT**

Pursuant to 47 C.F.R. § 76.1503(b)(1), EasyTEL Communications Carrier Corporation ("EasyTEL") filed a Notice of Intent to Establish an Open Video System in the City of Tulsa, Oklahoma. Attached to this Public Notice is a copy of the Notice of Intent filed by EasyTEL. In addition, EasyTEL's certification application to operate an Open Video System is available via the Internet: <http://www.fcc.gov/mb/ovs/csovsccer.html>.

Media Contact: Rebecca Fisher at (202) 418-2359.

Media Bureau Contact: Sonia Greenaway-Mickle or Steve Garner (202) 418-7200.

TTY: (202) 418-7172.

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# Open Video System Notice of Intent

Attention  
Media Bureau

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20054

In the Matter of  
EASYTEL COMMUNICATIONS  
CARRIER CORPORATION

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File No. \_\_\_\_\_

Notice of Intent to Establish  
an Open Video System

**NOTICE OF INTENT  
TO ESTABLISH AN OPEN VIDEO SYSTEM**

EasyTEL Communications Carrier Corporation (EasyTEL) pursuant to Section 651 of the Telecommunications Act of 1996 and Section 76.1503(b)(1) of the Commission's Rules, hereby submits its "Notice of Intent," ("Notice") to establish an Open Video System ("OVS").

EasyTEL submits the following information as required by Section 76.1503(b)(1):

1. The OVS operator is EasyTEL Communications Carrier Corporation. The contact person for the operator, T. E. Kloehr, is located at 7335 S. Lewis, Suite 100, Tulsa, Oklahoma 74136. Telephone contact may be made at (918) 523-8000.
2. EasyTEL's projected service area will encompass those portions of the City of Tulsa, Oklahoma bounded on the West by the Arkansas River, on the North by Admiral Boulevard, on the East by Garnett Road and to the South by the City Limit boundary. Initially it is estimated that EasyTEL will serve approximately 2,000 business subscribers located in the service area. EasyTEL's principal headend location and hub site is at 7335 S. Lewis Ave., Tulsa, Oklahoma. The hub site is served by and technically integrated with the principal headend.
3. The Open Video System will have a maximum of 110 channels of 6 Mhz each available, which may be used to carry analog channels. EasyTEL's system will satisfy all OVS channel capacity requirements.
4. Video Programming Providers (VPP) interested in carriage on EasyTEL's Open Video System may obtain additional information about the system by completing the OVS Information Request Form (Attachment 1) and submitting it to:

T. E. Kloehr  
7335 S. Lewis Ave., Suite 100  
Tulsa, Oklahoma 74136  
Telephone: (918) 523-8000

Pursuant to 47 C.F.R. § 76.1503(b)(2) of the FCC's rules, within five business days of receipt of a request for information EasyTEL will provide the VPP with additional information regarding the Open Video System to enable the VPP to make an enrollment decision. With this information, the VPP also will be provided with additional forms and instructions necessary for carriage on EasyTEL's Open Video System. If a VPP decides to seek carriage on EasyTEL's Open Video System after receipt of the additional information, the VPP must submit the required forms, a non-refundable application-processing fee, and a channel reservation deposit by the end of the enrollment period.

5. One third of the system's maximum capacity will be set aside for EasyTEL and/or its affiliates. In addition, EasyTEL will utilize approximately six channels to carry public programs, educational programs, and governmental programs, in addition to approximately twelve "must-carry" stations entitled to demand carriage pursuant to 47 C.F.R. §76.56 and § 76.1506 of the FCC's rules. The remaining channels will be available for interested VPPs. No VPP will be assigned more than the capacity set aside for EasyTEL and its affiliates.

6. The enrollment period for VPPs seeking carriage on EasyTEL's Open Video System will commence on January 25, 2005, and will conclude April 25, 2005 or 90 days after the FCC releases a public notice of this Notice of Intent. In order to allow for contract finalization, ensure orderly channel allocation and allow timely systems allocation to occur, VPPs are encouraged to submit their enrollment requests as early as possible during the enrollment period. Allocation of capacity in the event demand exceeds system capacity will occur as described in Attachment 2.

7. Attached is a Certification that EasyTEL has complied with all relevant notification requirements under the FCC's Open Video System regulations concerning must-carry and retransmission consent (47 C.F.R. § 76.1506), including a list of all local commercial

and non-commercial television stations served (Attachment 3). An example of the notification letter sent to television stations pursuant to this Section is also appended hereto (Attachment 4). Also attached is a Certificate of Service showing that EasyTEL's Notice of Intent has been served on all local franchising authorities, which are located within EasyTEL's anticipated OVS service area (Attachment 5).

Respectfully submitted,

EASYTEL COMMUNICATIONS CARRIER CORPORATION

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T. E. Kloehr

EASYTEL COMMUNICATIONS CARRIER CORPORATION  
7335 S. Lewis Ave., Suite 100  
Tulsa, Oklahoma 74136  
(918) 523-8010 (Phone)  
(918) 477-2010 (FAX)

Dated: \_\_\_\_\_

**EASYTEL COMMUNICATIONS CARRIER CORPORATION  
OPEN VIDEO SYSTEM  
INFORMATION REQUEST FORM**

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**Section I: Video Programming Provider Information**

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Name of Company: \_\_\_\_\_

Name of Contact: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

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**Section II: Carriage Information**

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Total amount of capacity requested: \_\_\_\_\_ channels

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**Section III: Certification and Non-Disclosure Statement**

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The undersigned video programming provider ("VPP") represents that it has the right under the copyright laws to select and contract for carriage of specific video programming on the EasyTEL Communications Carrier Corporation ("EasyTEL") open video system, and that it is not a competing, in-region, cable operator and has no affiliation (as defined by 47 C.F.R. § 76.1500(g) of the FCC's rules) or agreement with any other VPP requesting capacity or with any cable operator providing cable television services to subscribers located within EasyTEL's open video system service area, and that the capacity requested will only be used for the commercial operation of a cable service. The VPP and its affiliates agree not to disclose to any other party the information provided by EasyTEL in response to this request, except for information that is in the public domain and except as provided in 47 C.F.R. § 76.1513(j) of the FCC's rules, and that they will not use the information for any purpose whatsoever other than making an informed decision as to whether to enroll in EasyTEL's open video system and the subsequent activation of such enrollment, if any.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

EASYTEL COMMUNICATIONS CARRIER CORPORATION  
OPEN VIDEO SYSTEM  
CHANNEL ALLOCATION PROCESS

EasyTEL's anticipated total system capacity on its Open Video System is 110 channels of 6 Mhz each (channels). The following channel allocations already have been made:

EasyTEL: 37 channels for video programming + approximately 18 channels for the PEG/must-carry requirements. The remaining number of channels to be allocated is 55.

Initial capacity requests must be submitted by April 25, 2005. At that time, the total number of channels requested from all VPPs will be calculated. If sufficient capacity exists to fill all requests, each VPP will be allocated channel capacity equal to its

request. If the sum of all channels requested exceeds available channel capacity, each VPP requesting fewer than 6 channels will receive its requested channels; VPPs requesting more than 6 channels will receive at least 6, total capacity permitting. The remaining channels will be allocated to each VPP requesting more than 6 channels on a pro rata basis; that is based on the ratio of the remaining number of channels requested by all VPPs.

The following is an illustration of the allocation process based on the availability of 55 channels and a request for 95 channels from multiple VPPs.

VPP	Channels Requested	Minimum Allocations	Remaining Channels Requested	Ratio of Rmng Chal Avlble to Rmng Chal Requested	No. of Channels Allocated
A	2	2	0	-	2
B	6	6	0	-	6
C	20	6	14	.42	12
D	30	6	24	.42	16
E	37	6	31	.42	19
Total	95	26	69		55

Because VPPs C, D, and E all requested more than 6 channels, each VPP is allotted up to 6 channels as the minimum allocation. The remaining number of channels available to be divided among the VPPs is 29 (55 channels minus 26 channels).

The number of available channels to be allocated on a pro rata basis (29) is divided by the remaining number of channels requested (69) which equals .42. This factor is used to calculate the distribution of the remaining 29 channels to VPPs C, D, and E.

The remaining channels requested by VPPs C, D, and E are multiplied by the pro rata factor (.42) to determine the number of channels the VPPs will be allocated in addition to the six channel minimum. Fractions of channels have been rounded to

the nearest whole number, provided that the sum of all allocations not exceed the total number of available channels.

EasyTEL will mail a notification to each VPP to confirm the channel capacity allocation by April 26, 2005. Any VPP that is allocated fewer channels than it initially requested may withdraw its channel capacity request by notifying EasyTEL by Certified Mail. Cancellations must be received by 5:00 p.m. on May 2, 2005. Channel capacity made available through the withdrawal of one or more VPPs will be reallocated on a pro rata basis to the remaining VPPs who did not receive their full request. On May 12, 2005, EasyTEL will mail a notification to each remaining VPP to confirm the final channel capacity allocation.



**CERTIFICATION**

Attachment 3

I, T. E. Kloehr, hereby certify that on or before this 24<sup>th</sup> day of January 2005, I caused must-carry/retransmission consent election notification to be sent by Certified Mail to all commercial and noncommercial television stations operating within EasyTEL's Open Video System television market, as indicated by the below service list.

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T. E. Kloehr  
President

<b>Company</b>	<b>Address</b>	<b>City, State, Zip</b>
Scripps Howard Broadcasting Company – KJRH-TV	312 Walnut Street, 28 <sup>th</sup> Floor	Cincinnati, Ohio 45202
Griffin Licensing, L.L.C. – Station KOTV-TV	302 S. Frankfort	Tulsa, Oklahoma 74101
KTUL, LLC KTUL-TV	3400 S. 29 <sup>th</sup> West Avenue	Tulsa, Oklahoma 74107
Oklahoma Educational Television Authority – KOED-TV	7403 North Kelley Avenue	Oklahoma City, Oklahoma 73111
Trinity Broadcasting Network KDOR-TV	P. O. Box C-11949	Santa Ana, California 92711
Tulsa Communications, L.L.C. Broadcast Center – KWBT-TV	6910 E. 14 <sup>th</sup> Street	Tulsa, Oklahoma 74112
Clear Channel Broadcasting Licenses, Inc. – KOKI-TV	2625 S. Memorial Drive, Suite A	Tulsa, Oklahoma 74129
Board of Regents of Oklahoma Colleges – KRSC-TV	1701 W. Will Rogers Blvd.	Claremore, Oklahoma 74017
Clear Channel Broadcasting Licenses, Inc. – KTFO-TV	2625 S. Memorial Drive, Suite A	Tulsa, Oklahoma 74129
Paxson Tulsa License, Inc. – KTPX – TV	601 Clearwater Park Road	West Palm Beach, Florida 33401
Lesea Broadcasting of Tulsa, Inc. – KWHB-TV	61300 S. Ironwood Road	South Bend, Indiana 46614
University Broadcasting, Inc. KGEB-TV	7777 South Lewis Avenue	Tulsa, Oklahoma 74171

January 24, 2005

Dear

This letter is to notify you that EasyTEL Communications Carrier Corporation intends to begin operating an Open Video System ("OVS") to serve certain areas of the City of Tulsa, Oklahoma. It is currently planned that service activation is to occur on or around April 25, 2005.

FCC rules require that we provide this notice and that you, in turn, notify us of your station's request for carriage under "must carry" rules or if you are a commercial station of your election to forego "must carry" and request the negotiation of a "retransmission consent" agreement. The election must be forwarded to us within 30 days of the date of this letter and must be the same as the election the station has made with respect to the Cox Cable System serving the City of Tulsa.

To facilitate the election notification process, we have attached a form that should be used to transmit your election to us. If your station is electing "must carry", you need only check the appropriate box in the "Must Carry" section, provide your channel request, sign, date and return an original copy of the election form to us. Any video programming providers (VPPs) on EasyTEL's Open Video System will be notified of your decision. If you elect "must carry", EasyTEL, as the operator of the system, will deliver your signal to all subscribers of any VPP on the system. Your election and channel position will be effective on the system's launch date unless there is a conflicting channel position election or we encounter signal quality difficulties. Should this occur, we will contact you for resolution.

If your station elects "retransmission consent", we ask that you check the box in the "Retransmission Consent" section of the attached form, sign and date the form and return an original copy to us along with your proposal for a "retransmission consent" agreement. In addition, all VPPs on EasyTEL's Open Video System will be notified of your decision to elect "retransmission consent". You may negotiate with one or more VPPs delivering programming over the EasyTEL OVS for inclusion in their programming package.

Please make all notifications to EasyTEL by sending the notice to:

T. E. Kloehr  
EASYTEL COMMUNICATIONS CARRIER CORPORATION  
7335 S. Lewis Ave., Suite 100  
Tulsa, Oklahoma 74136

If you have questions, please call me at (918) 523-8000.

Sincerely,

T. E. Kloehr  
President

**EasyTEL Communications Carrier Corporation**  
**Open Video System**  
**Television Station Carriage Election**

The undersigned Licensee of the identified television station hereby makes the following election with regard to carriage on the EasyTEL Communication Carrier Corporation Open Video System:

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**Must-Carry Election**

- ☐ The Television station identified below elected “must-carry” status on the Cox Cable System for the period ending December 31, 2005 and hereby elects “must-carry” status on the EasyTEL Open Video System for the same period.

Carriage on Channel \_\_\_\_\_ is acceptable. At EasyTEL’s election, Digital 8-VSB signals may be passed through on any available channel and displayed based on the Virtual Channel Table indicated in the PSIP information transmitted with the signal.

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**Retransmission Consent**

- ☐ The Television station identified below elected “retransmission consent” status on the Cox Cable System for the period ending December 31, 2005 and hereby elects “retransmission consent” status on the EasyTEL Open Video System for the same period. Attached is a proposal for a “Retransmission Consent” agreement.

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By signing below, I certify that I have the requisite authority to bind the Licensee to the request made above.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Licensee: \_\_\_\_\_

Station: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, T. E. Kloehr, hereby certify that I have caused copies of the foregoing Open Video System “Notice of Intent” of EasyTEL Communication Carrier Corporation to be sent via certified mail on the 25th day of January 2005 to the following local franchising authorities listed below:

Honorable William D. LaFortune  
Mayor, City of Tulsa  
200 Civic Center, 11<sup>th</sup> Floor  
Tulsa, Oklahoma 74103

Martha Rupp Carter, Esq.  
City of Tulsa Legal Department  
200 Civic Center, Third Floor  
Tulsa, Oklahoma 74103

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T. E. Kloehr  
President